

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PAUL J. SMITH SR.  
Plaintiff,

V.

FIRST COLLECTION MEDICAL,  
ET AL. (CMS) - Defendants

C.A. No. 06-437 (GMS)

C.A. No. 05-142 (GMS)

C.A. No. 07-477 (GMS)

"MEMORANDUM"

DATE 10-30-2007

FILED

OCT 30 2007

U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

MOTION TO AMEND TO COMPLAINT

A CODE OF PROFESSIONAL RESPONSIBILITY MEMBERS  
OF THE LEGAL PROFESSION FALLS BELOW THE  
REQUIRED STANDARDS,

MY COMPLAINT IN A CIVIL ACTION, THE FIRST  
PLEADING OF THE PLAINTIFF, SETTING OUT THE  
FACTS AND WHICH THE CLAIM FOR RELIEF.  
Fed. R. Civ. Proc. 3 UNDER MODEL COURT RULES.

SEEKING DEPOSITIONS OF PRE-TRIAL DISCOVERY  
WITH COORDINATED ACTION, ACTION WHICH HAS  
BEEN PLANNED, ARRANGED, ADJUSTED, AGREED  
UPON, AND SETTLED BETWEEN PARTIES.

I HAVE DISABILITY - STATE OF NOT BEING FULLY  
CAPABLE OF PERFORMING ALL FUNCTIONS  
MENTAL AND PHYSICAL

DUE BY MEDICAL MALPRACTICE WITHIN THE  
DELAWARE CORRECTIONAL CENTER NEAR SMYRNA,  
DE 19977 IN FEBRUARY 2004, NEGLIGENCE  
CONSENT AND PAIN

(CMS) - Medical Staff - Refused Duty obligation which results in the liability under the law of Negligence, if an individual owes to others a Duty of Care, he must conduct himself so as to avoid negligent injury to them, see BREACH (of contract) BREACH of Duty Due Care.

Also Consider Misconduct, Corrupt, Misbehavior of the duties of the Medical Department,

Plaintiff, DEMAND is RECOVERY MONEY DAMAGES.

PAIN AND SUFFERING A SPECIES OF DAMAGES THAT I MAY RECOVER FOR PHYSICAL AND MENTAL PAIN AND SUFFERING THAT RESULT FROM A WRONG DONE OR SUFFERED, THE LOSS OF ABILITY OR CAPACITY TO WORK BECAUSE OF PHYSICAL PAIN, EMOTIONAL PAIN, AND MENTAL SUFFERING IS A TYPE OF PAIN AND SUFFERING AND A PROPER ELEMENT OF DAMAGES.

EMOTIONAL DISTRESS - EXTREME PERSONAL SUFFERING CAUSED BY THE INTENTIONAL NEGLIGENCE DELIBERATELY.

Plaintiff, SEEKS MONETARY AWARDS.

**MALPRACTICE** - A PROFESSIONAL'S IMPROPER OR IMMORAL CONDUCT IN THE PERFORMANCE OF DUTIES DONE EITHER INTENTIONALLY OR THROUGH CARELESSNESS OR IGNORANCE, WITH SUCH PERSON'S PROFESSIONAL RELATIONSHIP WITH PATIENT OR CLIENTS.

**Good faith**, A TOTAL ABSENCE OF ANY INTENTION TO SEEK AN UNFAIR ADVANTAGE OR TO DEFEAUD ANOTHER PARTY; AN HONEST AND SINCERE INTENTION TO FULFILL ONE'S OBLIGATIONS.

**Plaintiff**, SEEK - GRANT COMPENSATION FOR GROSS NEGLIGENCE. AND PAY MEDICAL EXPENSE.

**Refusal** - THE REJECTION OF SOMETHING TO WHICH A PERSON IS ENTITLED, SUCH AS THE REJECTION OF GOODS UNDER A CONTRACT, THE DENIAL OF AN OBLIGATION TO PERFORM A LEGAL DUTY SUCH AS THE REFUSAL TO COMPLETE A CONTRACT,

**Defendant's**, WHAT TO JUSTIFY, JUST CAUSE OR EXCUSE; JUST, LAWFUL EXCUSE FOR AN ACT; REASONABLE EXCUSE, SHOWING OF A SUFFICIENT REASON IN COURT WHY DEFENDANTS, DID WHAT HE IS CALLED UPON TO ANSWER FOR, SO AS TO EXCUSE LIABILITY.



Closed-

Plaintiff, Seeking Prayer (for Relief) Request contained in Complaint or Petition that asks for relief to which Plaintiff thinks him or himself entitled that part of Pleading in which relief is requested, in addition to whatever specific kinds of relief or remedy (e.g., money damages injunctions) the party may request. It is common to add a general prayer to enable the court to grant whatever relief it feels is appropriate, i.e., "AND such other AND further relief as to the court may seem just AND proper."

Recovery - successful in a suit to obtain a judgment recover(s) that which the court deems the person lost, though recovery does not necessarily imply a return to whole or normal. It also refers to the amount of the judgment as well as the amount actually collected pursuant to it.

Restitution - of making good, or of giving the equivalent for any loss, damage, or injury! indemnification.

Settlement, generally, the conclusive fixing or resolving of a matter, the arrangement of a final disposition.

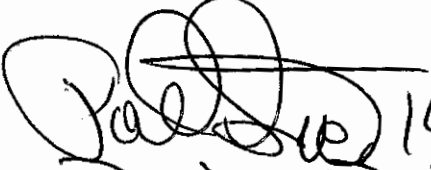
Closed.

## Disposition

A Civil Suit before FINAL JUDGMENT  
WHEREAS By they Agree Between  
THEMSELVES upon their RESPECTIVE  
Rights AND obligations, thus ELIMINATING  
the NECESSITY of judicial Resolution of  
the CONTROVERSY.

UNNECESSARY HARDSHIP - UNUSUAL PUNISHMENT

CRUEL AND UNUSUAL PUNISHMENT.

  
D-142003  
D-WEST - Building  
10-30-2007

MR. PAUL J. SMITH SR.  
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DELAWARE CORRECTIONAL CENTER  
1181 Paddock Road  
SMYRNA, DELAWARE 19977